

### Specific Information Requested for the Arkansas Fatmucket

We are especially interested in information on species biology, population trends, distribution, abundance, demographics, and genetics; habitat conditions, including amount, distribution, and stability; conservation measures that have been implemented that benefit the species; threat status and trends; and other new information, data, or corrections, including taxonomic or nomenclatural changes, identification of erroneous information and improved analytical methods.

### Specific Information Requested for the Black Clubshell, Flat Pigtoe, Stirrupshell

We are especially interested in learning of extant locations for these three mussels. Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

### What could happen as a result of this review?

If we find that there is new information concerning any of these 14 species indicating that a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) delist the species. If we determine that a change in classification is not warranted, then the species will remain on the List under its current status.

### Public Solicitation of New Information

We request any new information concerning the status of any of these 14 species. See "What information is considered in the review?" heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home addresses from the supporting record, which we will honor to the extent allowable by law. There also may be circumstances in which we may withhold from the supporting record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that the Service may be

required to disclose your name and address pursuant to the Freedom of Information Act. We will not consider anonymous comments, however. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

### Authority

This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: July 21, 2006.

Cynthia K. Dohner,

Acting Regional Director, Southeast Region.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Proposed Joint Programmatic Candidate Conservation Agreement with Assurances and Safe Harbor Agreement for Select Species in the Upper Little Red River Watershed, Arkansas

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Fish and Wildlife Service's Arkansas Ecological Service Field Office (ARFO), Arkansas Game and Fish Commission (AGFC), Natural Resources Conservation Service (NRCS), and The Nature Conservancy (TNC), have applied to the Fish and Wildlife Service (we or Service) for an enhancement of survival permit (permit) pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a proposal that combines a Candidate Conservation Agreement with Assurances (CCAA) for the candidate yellowcheek darter (*Etheostoma moorei*; YCD) with a Safe Harbor Agreement (SHA) for the federally endangered speckled pocketbook (*Lampsilis streckeri*; SPB)—jointly referred to as the "Agreement." The term of the Agreement will be 30 years. If approved, the Agreement would allow the Applicants to issue Certificates of Inclusion (CI) throughout the upper Little Red River Watershed in Arkansas to eligible non-Federal landowners that complete an approved Property Owner Management Agreement (POMA).

We announce the opening of a 30-day comment period and request comments

from the public on the Applicant's permit application, the accompanying proposed Agreement, and the supporting National Environmental Policy Act (NEPA) documentation.

**DATES:** Written comments should be received on or before October 10, 2006.

**ADDRESSES:** You may obtain a copy of the information available by contacting the Field Supervisor, Fish and Wildlife Service, Arkansas Ecological Services Field Office, 1500 Museum Road, Suite 105, Conway, Arkansas 72032.

Alternatively, you may set up an appointment to view these documents during normal business hours. Written data or comments should be submitted to the Service's Regional Safe Harbor Coordinator, Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. Note that requests for any documents must be in writing to be processed. When you are requesting or reviewing the information provided in this notice, please reference "Programmatic CCAA and SHA in the Upper Little Red River" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Mr. Chris Davidson, Fish and Wildlife Biologist, Arkansas Ecological Services Field Office (see **ADDRESSES** above), telephone (501) 513-4481; or Mr. Rick Gooch, Regional Safe Harbor Program Coordinator, Regional Office (see **ADDRESSES** above), telephone (404) 679-7124.

**SUPPLEMENTARY INFORMATION:** Under a CCAA, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting candidate species for listing under the Act. CCAAs encourage private and other non-Federal property owners to implement conservation efforts for candidate species by assuring property owners they will not be subjected to increased property use restrictions should the species become listed as threatened or endangered under the Act. Under a SHA, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting federally listed species under the Act. SHAs encourage private and other non-Federal property owners to implement conservation efforts for federally listed species by assuring property owners they will not be subjected to increased property use restrictions under the Act. Application requirements and issuance criteria for SHAs and CCAAs are found in 50 CFR 17.22(d) and 50 CFR 17.32(d), respectively. Because of the significant overlap between the two covered

species' habitat requirements and the anticipated beneficial effects from implementation of the voluntary conservation measures on both species, we believe that it is appropriate to combine the CCAA/SHA elements in a single Agreement for consideration in this notice.

The ARFO, AFGC, NRCS, and TNC's proposed watershed wide joint Agreement is designed to encourage voluntary habitat restoration and/or enhancement actions to benefit either or both of the covered species. The geographic scope of the Agreement is approximately 558,615 acres of the upper Little Red River watershed in north central Arkansas. Lands potentially eligible for inclusion include all privately owned lands, State lands, and public lands owned by cities, counties, and municipalities, with potentially suitable habitat for the covered species in the upper Little Red River watershed. Simultaneous to implementation of voluntary management actions through the individual landowner agreements (the POMA), the Agreement will provide specific regulatory assurances.

Under the Agreement's CCAA program element (covering the YCD), the landowner will not have any responsibility under the Act beyond that which exists at the time he or she enters into the program, even if the YCD becomes federally listed. The POMA will identify any existing YCD habitat and will describe the actions that the landowner commits to take (e.g., riparian revegetation, livestock fencing, etc.) or will allow to be taken to improve YCD habitat on the property, and the time period within which those actions are to be taken and maintained. When combined with actions of other landowners throughout the watershed, conservation actions taken by a specific landowner should preclude the need to list the YCD as threatened or endangered under the Act.

Under the Agreement's SHA element (covering the SPB), each POMA will identify any existing SPB habitat on the landowner's property and will describe the actions that the landowner commits to take (e.g., riparian revegetation, livestock fencing, etc.) or will allow to be taken to improve SPB habitat on the property, and the time period within which those actions are to be taken and maintained. Under the POMA, the landowner will have the option of returning the enrolled lands to baseline conditions, even if such actions will result in the incidental taking of SPB.

The proposed Agreement is being evaluated for Categorical Exclusion from the NEPA process. As a result, no other

alternatives have been evaluated to implement conservation efforts for either the YCD or SPB at this time. Entering into a POMA is strictly voluntary for landowners. We do not foresee any detrimental effects to the human environment resulting from approval and implementation of this application and Agreement. We believe that the net effect of the Agreement will be to increase the amount of habitat available for the two covered species and improve overall water quality conditions throughout the watershed. It is therefore likely that the Agreement will meet the requirements to be categorically excluded from the NEPA process.

We provide this notice pursuant to section 10(c) of the Endangered Species Act and pursuant to implementing regulations for the National Environmental Policy Act (40 CFR 1506.6). We will evaluate the proposed Agreement, associated documents, and comments submitted thereon to determine whether the requirements of section 10(a) of the Act and NEPA regulations have been met. If we determine that the requirements are met, we will issue a permit under section 10(a)(1)(A) of the Act to the Applicants in accordance with the applicable regulatory requirements. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: August 30, 2006.

**Ed Buskirk,**

*Acting Regional Director, Southeast Region.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Proposed John W. Starr Memorial Forest, Mississippi State University Red-Cockaded Woodpecker Safe Harbor Agreement, Oktibbeha and Winston Counties, MS**

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** Mississippi State University (MSU or Applicant) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit (ESP) under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The ESP application includes a proposed Safe Harbor Agreement (Agreement) for the

endangered red-cockaded woodpecker (*Picoides borealis*) (RCW) for a period of 20 years. If approved, the Agreement would allow the Applicant to establish and enhance RCW habitat on the John W. Starr Memorial Forest (JSMF).

We announce the opening of a 30-day comment period and request comments from the public on the Applicant's ESP application, the accompanying proposed Agreement, and the supporting Environmental Action Statement (EAS) Screening Form.

**DATES:** Written comments should be received on or before October 10, 2006.

**ADDRESSES:** You may obtain a copy of the information available by contacting the Field Supervisor, Fish and Wildlife Service, Ecological Services Field Office, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. Alternatively, you may set up an appointment to view these documents during normal business hours. Written data or comments should be submitted to the Service's Regional Safe Harbor Coordinator, Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. Note that requests for any documents must be in writing to be processed. When you are requesting or reviewing the information provided in this notice, please reference "Proposed Mississippi State University Red-cockaded Woodpecker Safe Harbor Agreement" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Lunceford, Fish and Wildlife Biologist, Mississippi Ecological Services Field Office (see **ADDRESSES**), telephone: (601) 321-1132; or Mr. Rick Gooch, Regional Safe Harbor Program Coordinator at the Service's Southeast Regional Office (see **ADDRESSES**), telephone: (404) 679-7124.

**SUPPLEMENTARY INFORMATION:** Under a Safe Harbor Agreement, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the Act. Safe Harbor Agreements encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distributions of listed species already on their property. Application requirements and issuance criteria for ESPs through Safe Harbor Agreements are found in 50 CFR 17.22 and 17.32.

MSU's proposed Agreement is designed to allow for management activities for the RCW on the JSMF and